

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12 CV 245**

**RAMESH K. GANATRA and PAMELA S.)
GANATRA,)**

Plaintiffs)

v)

L. JOSEPH LAND and STUART L. CASS,)

Defendants)

ORDER

THIS MATTER has come before the undersigned pursuant to a Joint Stipulation of Consent to Exercise of Jurisdiction by a United States Magistrate Judge (#13) filed by Plaintiffs and by Defendant Stuart L. Cass. The undersigned appreciates the filing of the stipulation, however, a review of the file shows that at the present time the undersigned cannot exercise jurisdiction in this matter. Rule 73(a) of the Federal Rules of Civil Procedure states as follows:

Rule 73. Magistrate Judges: Trial by Consent; Appeal

(a) Trial by Consent. When authorized under 28 U.S.C. § 636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with 28 U.S.C. § 636(c)(5).

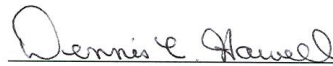
At the present time in this case, all parties have not consented to the

jurisdiction of this Court. Defendant L. Joseph Land has not filed an Answer to the Complaint and entry of default (#11) was entered against him upon motion of Plaintiffs on November 26, 2012. For this Court to be able to exercise jurisdiction in this case, pursuant to Rule 73 and 28 U.S.C. § 636 (c), all parties would have to consent which would include the Defendant L. Joseph Land. If Mr. Land makes an appearance and files a consent, then this Court could exercise jurisdiction. At the present time, the jurisdiction in this case shall remain with United States District Judge Martin Reidinger.

ORDER

IT IS, THEREFORE, ORDERED that the jurisdiction in this matter shall remain with United States District Judge Martin Reidinger.

Signed: December 14, 2012

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Dennis L. Howell
United States Magistrate Judge

